
(2012) 07 JH CK 0224
In the Jharkhand High Court
Case No : WP (S) No. 5766 of 2010

Veena Kumari

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 05-07-2012

Acts Referred:

Citation : (2012) 4 JLJR 408 : (2005) 1 DMC 796 : (2005) 1 JCR 324

Hon'ble Judges : D.N. Patal, J

Bench : Single Bench

Advocate : Uday Kant Thakur, for the Appellant;

Final Decision : Dismissed

Judgement

D.N. Patal, J.—Counsel for the petitioner is challenging the order dated 24th September, 2010, which is at Annexure-1 to the memo of the petition, issued under the signature of the Civil Surgeon-cum-Chief Medical Officer, Dumka, whereby the petitioner was transferred from the Additional Primary Health Centre, Hansdiha, Block-Saraiyahat, District-Dumka to Primary Health Center, Saraiyahat, District-Dumka. Counsel for the petitioner cited several reasons for quashing of the transfer order, dated 24th September, 2010, such as the petitioner has school going children and she will have to face lot of hardship on account of this transfer. Moreover, it is also submitted that similarly situated persons, who are also working on the same place of posting since long, have not been transferred. Few allegations have also been levelled against an employee (Respondent No. 6 in this petition) who is transferred to be posted at her place. Counsel for the State submitted that a detailed counter affidavit has been filed and it has been stated in paragraph 11 of that counter affidavit that petitioner was working at Additional Primary Health Centre, Hansdiha, Anchal-Saraiyahat, District-Dumka since 1st May, 1989 and it is further submitted that petitioner has been transferred on 24th September, 2010 because of administrative exigencies and in the interest of public and that too within the same district. The distance between two places is 22 kms. and therefore, this petition may not be

entertained by this Court.

2. Having heard counsel for both sides and looking to the facts and circumstances of the case, I see no ground to entertain this petition on account of following facts and reasons:--

(I) The petitioner was working as A.N.M. at Additional Primary Health Centre, Hansdiha, Anchal-Saraiyahat, District-Dumka since 1st May, 1989.

(II) On perusal of the transfer order dated 24th September, 2010, which is at Annexure-1 to the memo of this petition, it appears that present petitioner has been transferred to Primary Health Center, Saraiyahat, District-Dumka. The distance between the two places is approximately 22 kms. as submitted by the counsel for the petitioner.

3. In consideration of the facts that petitioner has been working at Additional Primary Health Centre, Hansdiha, Anchal-Saraiyahat, District-Dumka since 1st May, 1989, i.e. for the last 21 years and transferred within the same district, i.e. to Primary Health Center, Saraiyahat, District-Dumka because of administrative exigencies and in the interest of public as stated in para 11 of the counter affidavit, I see no reason to entertain this writ petition because transfer of an employee is bound to cause hardship to the employee but that is not the ground on which such transfer order can be set aside by this Court. In view of the aforesaid facts and reasons, there being no substance in the writ petition, the same is dismissed.